



#12/elec.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: 5363

LESSER *et al.*

Group Art Unit: 3762

Appln. No.: 09/691,051

Examiner: OROPEZA, FRANCES P.

Filed: October 19, 2000

Title: TECHNIQUES USING HEAT FLOW MANAGEMENT STIMULATION AND SIGNAL ANALYSIS TO TREAT MEDICAL DISORDERS

June 16, 2003

\* \* \* \* \*

**RESPONSE TO RESTRICTION REQUIREMENT**

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
JUN 17 2003  
TC 2800 MAIL ROOM

Sir:

This is in response to the official action dated May 16, 2003, in which a restriction requirement was set forth by the examiner. This response is being timely filed as it is being filed within the one month shortened statutory period set forth in the official action.

In the official action, the examiner groups the claims as follows:

- I. Claims 35-50, drawn to a method for treating medical disorder, classified in class 607, subclass 3.
- II. Claims 51-56, drawn to a method for determining epilepsy treatment efficacy and administering treatment, classified in class 607, subclass 3.
- III. Claims 57-60, drawn to a method for analyzing brain activity, classified in class 607, subclass 45.

It is the examiner's position that the claims of groups I and II and I and III "are related as subcombinations disclosed as useable together in a single combination." The examiner also sets forth an "election of species," stating that "should the applicant elect the first invention, the Applicant is further required to elect one species of claims 36-39 and to elect one species of claims 40 and 46-50 for prosecution on the merits."

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TECHNOLOGY CENTER R3700

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

Inventor(s): LESSER et al.  
 Appln. No.: 09  
 Series Code ↑  
 Filed: October 19, 2000  
 Mail Stop Non-Fee Amendment  
 Hon. Commissioner for Patents  
 PO Box 1450  
 Alexandria, VA 22313-1450

691,051  
 Serial No. ↑



Group Art Unit 3762  
 Examiner: OROPEZA, FRANCES P.  
 Atty. Dkt. P. 268412 DM-3580  
 M#  
 Client Ref  
 Appln. Title: TECHNIQUES USING HEAT FLOW  
 MANAGEMENT STIMULATION AND  
 SIGNAL ANALYSIS TO TREAT  
 MEDICAL DISORDERS

Sir:

REPLY/AMENDMENT/LETTER

Date: June 16, 2003

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

## FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim		Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
A. <input checked="" type="checkbox"/> NOT made	For B & C See Required						
B. <input type="checkbox"/> Withdrawn	Separate Paper (Pat-256)	29	**minus 34	0	x \$18/\$9 =	+\$0	103/203
C. <input type="checkbox"/> made herewith							
D. <input type="checkbox"/> made previously							
2. Total Effective Claims		3	***minus 3	0	x \$84/\$42 =	+\$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) .....					+ \$280/\$140 =	+\$0	104/204
5. Original due Date: June 16, 2003		<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo)	\$110/\$55 =	+ \$0	115/215 116/216 117/217 118/218 128/228		
		(2 mos)	\$410/\$205 =				
		(3 mos)	\$930/\$465 =				
		(4 mos)	\$1,450/\$725 =				
		(5 mos)	\$1,970/\$985 =				
7. Enter any previous extension fee paid since above original due date and subtract			- \$0				
8.			Extension Fee	+\$0			
9. If Terminal Disclaimer attached, add Rule 20(d) official fee			+ \$110/\$55	+\$0	148/248		
10. If IDS attached requires Official Fee under Rule 97 (c), or if Rule 97(d) Request .....		add	+ \$180	+\$0	126		
		add	+ \$180	+\$0	126		
11. After-Final Request Fee per rules 129(a) and 17(r)			+ \$750/370	+\$0	146/246		
12. No. of additional inventions for examination per Rule 129(a) JUN 18, 2003			x \$750/375 ea	+\$0	149/249		
13. Request for Continued Examination (RCE) .....			+ \$750/375	+\$0	1179/1279		
14. Petition fee for .....		TECHNOLOGY CENTER, R3700...		+\$0			
15.			TOTAL FEE =	\$0			
16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".							
17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.							
18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.							
		RECEIVED					
			PLEASE CHARGE OUR DEP. ACCT				

Our Deposit Account No. 03-39751

(Our Order No. 41061 268412

C# M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

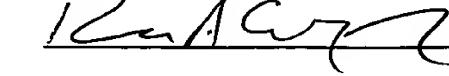
Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP  
 Intellectual Property Group

By Atty: Thomas A. Cawley, Jr., Ph.D.

Reg. No. 40944

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Atty/Sec: TACJ/AM:ksh

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments